MT LEGISLATIVE HISTORY

Chapter 80 1975

Bill H (S) 294 Original bill & hist. C

H. Committee on Judiciary

S. Committee on Judiciary

Hearing Date(s)		Hearing Date(s)	
Mar 06	✓C	Feb 04	✓C
	C		C
	C		C
	C		C
Date Out Mar 06	✓C	Feb 04	✓C

Did this bill originate in an interim committee? ___Yes ___No

Committee _____ Report _____

Senate BILL NO. 294

INTRODUCED BY Ryan Rosell Blaylock Robert Seibel Warden

A BILL FOR AN ACT ENTITLED: "AN ACT REDEFINING THE OFFENSE OF PROSTITUTION TO INCLUDE BOTH THE PAYER AND THE RECIPIENT OF PAYMENT; AMENDING SECTION 94-5-602, R.C.M. 1947."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 94-5-602, R.C.M. 1947, is amended to read as follows:

"94-5-602. Prostitution -- patronizing a prostitute. (1) A person commits the offense of prostitution if such person~~:~~

~~(a)~~--engages in or agrees or offers to engage in sexual intercourse with another person for compensation~~,~~, whether such compensation is received or to be received, or paid or to be paid. ~~or~~

~~(b)--loiters--in-or-within-view-of-any-public-place-for the-purpose-of-being-hired-to-engage-in-sexual--intercourse,~~

(2) A person convicted of prostitution shall be fined not to exceed five hundred dollars ($500) or be imprisoned in the county jail for a term not to exceed six (6) months, or both."

-End-

INTRODUCED BILL

SB 294

MINUTES OF THE MEETING
JUDCIARY COMMITTEE
FEBRUARY 4, 1975

The meeting was called to order by Senator Towe, Chairman, at 9:35 a.m. in room 410 of the Capitol Building.

The following bills were discussed: SB 294
SB 172
SB 181
SB 201
SB 6

SB 294 Senate Bill 294 is a bill designed to replace SB 6 and was proposed by the Committee. There was no testimony.

SB 189 Tom Staples, Researcher for Senator Neil Lynch, District 42, and sponsor of the bill, stated the purpose fo the bill is to have absentee ballots and envelopes affirmed by the absentee voter. The bill would make it easier to register to vote and vote absentee.

Jo Ann Woodgerd, representing the Secretary of State, supported the bill, stating it removes notarization from application for an absentee ballot. She would like to see Section 7 deleted.

SB 172 Tom Staples, Researcher for Senator Neil Lynch, District 42, and sponsor of the bill, stated the purpose of the bill is to require the Attorney General to provide a summary of referred, initiative or constitutional amendment measures to include an explanation of the exact meaning of a vote for or against a measure.

Jo An Woodgerd, representing the Secretary of State, felt the Committee should extend the 100 word limit. She stated HB 419 is a similar measure.

The public hearing was closed and the Committee went into Executive Session.

SB 181 Bjarne Johnson, Great Falls, stated the provisions of SB 181 are covered under the Uniform Probate Code under the augmented estate provisions. He felt the bill would be a duplication and cause confusion.

SB 201 Bjarne Johnson, Great Falls, stated the Uniform Probate Code equalizes treatment of those families whose member died without or with a will. According to SB 201, the widow receives a child's portion of the estate; if the children are minor they must have a guardian appointed for each child and also a bond. Exemptions for the widow are set in the Uniform Probate Code and go to her under any circumstances.

Mr. Johnson commented on SB 249 at the request of the Chairman.

SB 6 SENATOR GREELY MOVED SB 6 DO NOT PASS. AFTER DISCUSSION, SENATOR GREELY WITHDREW HIS MOTION.

SB 294 SENATOR CETRONE MOVED SB 294 DO PASS. SENATOR ROBERTS MOVED TO AMEND PAGE 1, LINE 11, BY STRIKING "--PATRONIZING A PROSTITUTE". THE MOTION CARRIED UNANIMOUSLY ON A ROLL CALL VOTE. THE MOTION TO PASS SB 294 PASSED ON A ROLL CALL VOTE WITH SENATORS DRAKE, TURNAGE AND GREELY VOTING NO.

SB 6 SENATOR GREELY MOVED SB 6 DO NOT PASS. THE MOTION CARRIED UNANIMOUSLY ON A ROLL CALL VOTE.

There being no further business, the meeting adjourned to reconvene Wednesday, February 5, at 9:30 a.m.

CHAIRMAN

ROLL CALL

Judiciary COMMITTEE

~~SECOND~~ 44th - ~~first~~ LEGISLATIVE SESSION 1975 Date_____

NAME	PRESENT	ABSENT	EXCUSED
Thomas E. Towe	X		
Joe R. Roberts	X		
V. E. Cetrone	X		
Margaret S. Warden	X		
Robert J. Brown	X		
Glen L. Drake	X		
Jean A. Turnage	X		
Michael Greely	X		

Each day attach to minutes

SB 172, 189, 244

VISITOR'S REGISTER

NAME	REPRESENTING	Check One	
		Support	Oppose
Terry Johnson	Register		
Tom Howard	County Attorneys		
Glenn Woodyard	Sec. of State		

(Please leave prepared statement with Secretary)

SENATE COMMITTEE JUDICIARY

Date Feb. 4, 1975 Senate Bill No. 294 Time

NAME	YES	NO
THOMAS E. TOWE	x	
JOE R. ROBERTS	x	
V.E. CETRONE	x	
MARGARET S. WARDEN	x	
ROBERT J. BROWN	x	
GLEN L. DRAKE	x	
JEAN A. TURNAGE	x	
MICHAEL GREELY	x	

Secretary

/s/ Thomas E. Towe
Chairman

Motion: by Senator Roberts to amend SB 294 page 1, line 11.

(includ enough information on motion—put with yellow copy of committee report.)

SENATE COMMITTEE JUDICIARY

Date Feb. 4, 1975 Senate Bill No. 294 Time

NAME	YES	NO
THOMAS E. TOWE	X	
JOE R. ROBERTS	x	
V.E. CETRONE	x	
MARGARET S. WARDEN	x	
ROBERT J. BROWN	x	
GLEN L. DRAKE		x
JEAN A. TURNAGE		x
MICHAEL GREELY		x

Secretary /s/ Thomas E. Towe
Chairman

Motion: By Senator Cetrone that SB 294 DO PASS AS AMENDED.

(include enough information on motion—put with yellow copy of committee report.)

STANDING COMMITTEE REPORT

February 4 19 75

MR. PRESIDENT

We, your committee on JUDICIARY

having had under consideration SENATE Bill No. 294

Respectfully report as follows: That SENATE Bill No. 294,

introduced bill be amended as follows:

1. Amend page 1, section 1, line 11.
   Following: "Prostitution"
   Strike: " --patronizing a prostitute"

DO PASS AS SO AMENDED, DO PASS

Chairman.

STATE PUB. CO.
Helena, Mont.

Representative Halvorson stated that many states are addressing this problem and questioned which ones were studies in drafting this bill and was told that section 5 comes from Michigan and Washington laws with language modified to conform to Montana Codes.

Representative Meloy questioned why the exception to prior sexual conduct of victim in subsection (b) and was told that if a test of pregnancy or semen present, this is very strong evidence and can point to an offender. It narrows it to specifics. Representative Moore questioned if subsections (a) and (b) are exclusive as to when types of evidence are deemed relevant and was told yes. He then suggested framing this in general language to the effect that if relevant the evidence should be admissible. Following brief additional discussion the hearing was closed.

Chairman Huennekens had to leave and Representative Meloy took over as acting chairman.

SENATE BILL NO. 294 Senator Pat Regan, District #31, is chief sponsor of this act redefining the offense of prostitution to include both the payer and the recipient of payment. She stated that previously with this one half of the criminal party was penalized and the other half was not. In the interim study some laws were better removed from the books, in this case they are asking legislature to enact legislation which will bring Montana law into conformity.

No proponents. No opponents. No closing.

Representative Halvorson questioned how this bill could be enforced. Senator Regan stated that if the party was a police woman you might get a conviction. Hearing was then closed.

SENATE BILL NO. 123 Senator Joe Roberts, District #11, is chief sponsor of this act which provides definitions of sexual crimes by adding a definition of the term "without consent". He stated this is one of a package of bills to amend the criminal codes. It is the work of professors Crowley and Elison. Amendatory language is found on pages 16 and 17 and it ties down the meaning of the term "without consent", ties definition to specific crimes. It tightens up the definitions.

No proponents. No opponents. Representative Yardley questioned that the language was not changed to which Senator Roberts replied no, it just ties to code sections.

There were no further questions and the hearing was closed.

EXECUTIVE SESSION

Representative Mike Meloy, acting chairman, presided.

SENATE BILL NO. 294 Representative Halvorson moved BE CONCURRED IN on this bill heard earlier today. Representative Yardley stated this bill was studied by the interim committee on ERA, it caused much dissention on the committee and came out with a majority but was not unanimous. Representative Halvorson stated this came out with a majority because perhaps the majority were women. Feels legislature should make an effort along this line.

Motion BE CONCURRED IN carried unanimously.

Representative James Moore, Vice-chairman, presided over the next portion of the meeting.

SENATE BILL NO. 283 Representative Anderson questioned if all rape cases were open to the public and was told that normally they are not but the judge can hear without a jury to determine whether to bring the evidence out. Representative Meloy stated the idea of making the case confidential would encourage the victim to report the rape. The reason for the language is if evidence ruled inadmissible then it won't be brought before a jury.

There was much discussion among committee members regarding "timely complaint" and assault cases. Representative Meloy stated he would like to include suggested language of one of the witnesses to the effect that failure to make outcry shall not be used to discredit the victim's testimony. Discussion followed. Representative Meloy then stated he doesn't like the last paragraph but is unable to come up with better language so will not amend. Representative Halvorson stated she would like to see the bill left as it is for now, if it needs changing following trial, legislature can come back in two years and amend it.

Representative Scully moved BE CONCURRED IN. Motion seconded by Representative Kimble and carried.

Representative Herb Huennekens, chairman, present and presiding over committee meeting.

SENATE BILL NO. 189 Representative Lory moved BE CONCURRED IN. Motion was seconded by Representative Seifert. Representative Moore made a substitute motion to amend on page 4, lines 24 and 25, also on page 5, line 4 by striking "respective deputy". Representative Meloy moved to amend by, as part of the amendment by Representative Moore, to strike "," and leave ".". Motion to amendments carried unanimously.

STANDING COMMITTEE REPORT

March 6, 19 75

MR. SPEAKER:

We, your committee on JUDICIARY

having had under consideration SENATE Bill No. 294

A BILL FOR AN ACT ENTITLED: "AN ACT REDEFINING THE OFFENSE OF PROSTITUTION TO INCLUDE BOTH THE PAYER AND THE RECIPIENT OF PAYMENT; AMENDING SECTION 94-5-602, R.C.M. 1947."

Respectfully report as follows: That SENATE Bill No. 294

BE CONCURRED IN

DO PASS

HH:jb

MERL HUMMERSENS, CHAIRMAN Chairman.

STATE PUB. CO.
Helena, Mont.

SENATE BILL NO. 294

INTRODUCED BY REGAN, ROSELL, BLAYLOCK,

ROBERTS, SEIBEL, WARDEN

A BILL FOR AN ACT ENTITLED: "AN ACT REDEFINING THE OFFENSE OF PROSTITUTION TO INCLUDE BOTH THE PAYER AND THE RECIPIENT OF PAYMENT; AMENDING SECTION 94-5-602, R.C.M. 1947."

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-End-

REFERENCE BILL

SB 294